

**ID Coordinating Subcommittee for
Intellectual Disabilities Services
Meeting Summary
August 2, 2011**

The Coordinating Subcommittee for Intellectual Disabilities Services met at the AIDT Center, Montgomery, Alabama.

The meeting was called to order by Ann White-Spunner

Members Present

Ann White-Spunner, DMH/ID Representative
Willodean Ash, DMH/ID Representative
Jeff Williams, DMH/ID Representative
Jim Dill, Alabama Council Representative
Anne Penney, Alabama Council Representative
Earl Brightwell, MR/DD Representative
Jo Poates, MR/DD Representative
Myra Jones, DD Council Representative
John Morris, ACE/Arc Representative
Wallace Davis (DeAnna Ferguson), Other Provider Representative
Murray Townsend, The Arc of Alabama Representative
Jeff Ridgeway, People First of Alabama Representative
Elouise Woods, People First of Alabama Representative
Amanda Ward (Tom Holmes), The Arc of Alabama Consumer Representative
Susan Klingel, Region 1 Provider Representative
John VanCamp, Region II Provider Representative
Katherine Parker (Lou Vick), Region II Family Representative
Patti Martin, Region 4 Provider Representative
Shermete Brown (Marlene Hudson), Region 1 Consumer Representative
Michael Feore, Region 3 Consumer Representative
Danny Grant, Region 5, Consumer Representative
Bill Hoehle, Region 5, Provider Representative

Visitors

Commissioner Baugh, Michelle Vilamaa, Daphne Rosalis, Bill Summer, Anthony Couch, Andy Slate, Lee Conner, Ellen Gillespie, Donna Akins, Kimberly Bell, George Neal, Barbara Womack, Anthony Baskin, and Eugene Rogers

Recorder

Shirley Hicks

Approval of July 12, 2011 Minutes (A. White-Spunner)

July 12, 2011, meeting minutes were presented for approval. The following correction was noted: On page 5, under the "**Arc of Alabama**", it should read, "*the Disability Conference will be held October 5-7, 2011*". There was a motion to approve the minutes as corrected. The motion was seconded and approved.

Agenda (A. White-Spunner)

The agenda was reviewed. A motion was made to approve the agenda as revised. The motion was seconded and it passed.

Management Steering Committee (MSC) Bylaws (Commissioner Baugh)

Commissioner Baugh indicated that a question was posed at the Management Steering regarding the MSC Bylaws. She inquired about the ID subcommittee members receiving copies of the MSC minutes, and in reply, it was discovered that not all ID subcommittee members receive copies of the MSC minutes. Associate Commissioner White-Spunner related to the Commissioner that the ID subcommittee's minutes will be posted to DMH website. The Commissioner indicated perhaps she will be looking into posting MSC minutes on the website as well.

Commissioner Baugh expressed her desires to have the MSC Bylaws rewritten. She stated the MSC Bylaws are inaccurate because they do not reflect the present time. The MSC has changed its meeting agenda to reflect Page 2, Under "Article III, Purpose" under the Bylaws. The language for the DMH subcommittees will be reviewed as well. MSC will be looking at the Bylaws regarding the "Title", the "Name Change", and other things that need to be applicable to 2011. The membership of ACE/Arc as a voting member of the MSC will be added as well.

The subcommittee held a discussion regarding the Bylaws.

Dr. Dill made a motion regarding adding ACE/Arc as a voting member of the MSC upon the Bylaws being revised to reflect this revision.

Dr. Dill stated may be the subcommittee should be looking at adding a 6th slot on the ID Subcommittee since we are re-addressing the MSC membership.

The Commissioner noted that she will be looking at adding DD, Autism, and other groups to the MSC Bylaws.

Ms. Klingel replied the motion should be tabled until the MSC Bylaws are revised. Commissioner Baugh stated the ID subcommittee still can make recommendations. Discussions were held regarding whether the MSC membership was functioning correctly. Ms. Klingel questioned whether the ID subcommittee membership was made up correctly as well.

The Commissioner indicated that the process of the Bylaws does not reflect where we are today. They should be consistent and relevant and this is what she wants the Articles of the Bylaws to be. Her goal is for the Bylaws to stand the test of other Commissioners. She also indicated that the MSC has established a committee to review the Bylaws.

Mr. Holmes asked whether or not the Bylaws were incorporated into the Administrative Code. Dr. Dill replied "no, but the membership of the MSC is incorporated into the Administrative Code". The Commissioner noted that since this is the case the names listed in the membership would have to be revised in the Administrative Code. She asked the subcommittee to review their membership and see how their membership representatives are represented as well.

In regards to the recommendation, Mrs. Klingel asked that the subcommittee wait to vote after the MSC Bylaws have been reviewed and revised by the committee.

The group held a discussion. The Commissioner pointed out that the timeline for the MSC Bylaws recommendations is October. Mrs. Klingel responded she had a problem with the October timeline because this timeline conflict with the Legislation. She would like to know what is going on in the Legislation. The Commissioner replied that is why she has a Legislation section. Jane Davis does a good job in sharing legislation information with everyone.

The subcommittee recommended tabling the motion until the MSC Bylaws are reviewed by the committee.

Dr. Dill commented that Jane Davis monitors a lot of bills for the Department . We might need to think about having legislative items dealing with the budget and any other significant items affecting the Department flagged or addressed.

The Commissioner emphasized to the subcommittee that whether or not they are on the MSC or on the ID subcommittee when they receive the agenda, they need

to come prepared to vote. The Department cannot continue to table items because this holds up progress.

Division of Intellectual Disabilities "Name Change" (A. White-Spunner)

Associate Commissioner White-Spunner indicated when she came on board; a discussion was held regarding the ID Division's name and the issue's with changing the name. She noted that 80% of the individuals being served have DD, and Alabama is one of three states in the United States who do not acknowledge or serve DD.

The Commissioner indicated there is great anxiety and concerns when there is a "Name Change". At this point, it is just a "Name Change", and it won't be reflected in the Administrative Code. Right now, there is a large group of individuals with DD who feel like they don't have a voice. Even though we don't have monetary resources, the knowledge, looking at what type of non-waiver services we can provide, and giving the individuals a voice are just as important. The Department is not looking at creating another waiting list.

Ms. Klingel made a motion to change the name of the Division of Intellectual Disabilities to the Division of Developmental Disabilities. The motion was seconded, and the motion passed unanimously.

Ms. Woods stated she felt it was a great idea to finally change the name to DD, and Mr. Ridgeway stated the name change will give a lot of people a voice to advocate. The Commissioner commented that this is a historic event, and she was very honor to be apart of it. Associate Commissioner White-Spunner thanked everyone as well.

Provider Certification Scores (A. White-Spunner)

Associate Commissioner White-Spunner stated provider names, certification scores, and ratings will be posted on DMH website. Ms. Popwell is working with this, and this information will be live on the Department's website in the next couple of weeks.

The Commissioner indicated that she want consumers and families to be empowered to go on the website to see scores of the different providers.

There was a discussion about the "For Cause Reviews".

To make it easier to locate information, Mrs. Vilamaa pointed out that it might be a good notion to redesign the layout of the DMH website. The Commissioner and the Associate Commissioner agreed.

Consolidated Plans (M. Vilamaa)

Ms. Vilamaa distributed information regarding consolidated plans of the ID strategic planning work group's recommendations. She indicated the recommendations reflect three (3) work groups instead of initial seven (7) work groups. A discussion was held by the subcommittee. Mrs. Vilamaa noted that the Consolidated Legislative Action and the Dedicated Funding Streams work group meeting will be held August 24, 2011. Recommendations from this work group will be presented at the ID subcommittee's September 6th meeting.

Mrs. Vilamaa noted that the plan was submitted to the Governor's office. Mr. Townsend inquired about the target baseline number regarding serving individuals off the waiting list. He indicated that he thought the subcommittee decided to serve everyone on the waiting list. Mrs. Vilamaa stated that the workload measures were used as the target baseline number for the waiting list goal, but as recommended by the Commissioner, she will change the target baseline number to reflect serving everyone on the waiting list.

There was a discussion regarding why the numbers under the waiting list did not total correctly. Mrs. Vilamaa pointed out that she used the historic numbers. She further stated even though this plan was already submitted for 2013, she can revisit the plan and make the readjustments regarding the waiting list baseline numbers. The Commissioner inquired about the plan being submitted for 2013 without the budget for 2013. Mrs. Vilamaa replied the plan was due to the Governor's office and that the ID subcommittee was made aware of this several times in the past. She further stated a decision about the goals and strategies has to be made next month. The Commissioner related to Ms. Vilamaa that the workload measures in the plan for MI/SA and ID need to be revised. The workload measures under the plan need to be submitted based on needs.

The Ability for Individuals to Return to Day Program If Supported Employment Does Not Work Out (M. Townsend)

Mr. Townsend inquired about DMH putting the following in writing: "if an individual's job does not work out under supported employment that they can return to their slot at the day program". Mrs. Akins noted when their agency was

in control of their waiting list, this option worked out fine for them. Ms. Poates pointed out that the way the current DMH system is set up, once an individual leaves the day program the slot for that individual goes back to the Department.

The Commissioner replied she must first look at the day treatment and the day programs. Associate Commissioner White-Spunner pointed out that a day program should be designed to move a person to a supported work setting.

Ms. Rosalis indicated under the waiver amendment, it states if individuals are not working 40 hours, there is a way to bill part-day and part-supported employment. She further noted that Medicaid is currently revising this waiver amendment.

A discussion was held about day programs, and Dr. Gillespie stated that Alabama is the only state with the highest segregated programs, and we need to address this according to Olmstead. Associate Commissioner White-Spunner stated that maybe individuals can get a focus on how day programs can change this focus.

The Commissioner indicated there needs to be a committee from this group to look at day treatments and day programs. The committee also needs to look at how they currently function and what needs to be done to optimize the programs. It was noted that Delaware has a very good article online. To access this article, individuals can Google "Delaware" regarding day programs. She further added that we foster a system on dependency and we need to foster a system on recovery.

Ms. Klingel noted there was a committee that made recommendations on these issues, but nothing was ever implemented.

Ms. Rosalis pointed out that CMS is looking at these sheltered workshops and we need to figure out a way to deal with them.

Back to Mr. Townsend's point, when an individual leaves a day program for supported employment, the subcommittee needs to figure out a way to hold the individual's slot at the day program in case supported employment does not work out. Associate White-Spunner indicated that we need to go forward and not backward. Mrs. Klingel pointed out that if the individual is placed under personal care then there is a way the individual can return to day program.

The Commissioner asked Associate Commissioner White-Spunner to establish a group to address Mr. Townsend's concern regarding day program and supported employment. The Commissioner added this committee will be charged with

addressing supported employment, integrated employment, day treatment, day program, and etc. She emphasized we need to do the right thing or else CMS will come and do it for us.

Mr. Feore stated he knows he has inquired about this time and time again, but he would like to know the definition of "least restrictive environment" for an individual. In reply, it was noted that the definition of "least restrictive environment" is the most appropriate settings for that particular individual based on his/her needs.

An inquiry was made to the Commissioner regarding should waiver changes, waiver updates, and waiver amendments be made through the ID Subcommittee. The Commissioner replied all ID waiver revisions should come through the ID subcommittee. Ms. Rosalis noted that performance measures are going to be required by CMS under the waiver, and the Department will be responsible for administering the performance measures.

ID Division Updates (A. White-Spunner)

Associate Commissioner White-Spunner indicated the Office of Children Services has been moved back under the directions of the ID Division. Steve Lafreniere and Alice Widgeon will be working with Jewell Pitts. Dr. Caroline Gomez, Autism Coordinator, Office of Children Services, has resigned. This position will be posted in the near future.

Bill Summer, Adolescent Advisory Committee, was introduced to the subcommittee. Mr. Summer will be attending the subcommittee meetings.

There will be a meeting this Friday with Dr. Gillespie and Mr. Tucker regarding Olmstead. Medicaid has been designated as the contact agency for the Olmstead plan.

Ms. Klingel noted that she has asked many times in the past that slots be set aside for supported employment. Mrs. Martin interjected that this is not fair to people who have been waiting on the waiting for years for services. She feels those individuals are more entitled to these services and she feels really strongly about this. Ms. Rosalis noted there is a legal way to set aside monies for supported employment. The Commissioner pointed out that Associate Commissioner Peacock just set aside monies for a group of individuals. She did a 90/10 split. She stated Associate Commissioner White-Spunner might be interested in knowing how Associate Commissioner Peacock did this.

The Commissioner encouraged the group to review the waiting list because not everybody on the waiting list needs residential services.

There was a waiting list discussion regarding the criticality score and how it relates to individuals needing long term services on the waiting list. It was noted by Ms. Ash that individual's length of time on the waiting list and the criticality score are important for long term care services. The individual on the waiting list needing long term care is coded differently.

The Commissioner asked Associate Commissioner White-Spunner and staff to get together and discuss the Criticality Assessment Tool for the Waiting List and get back with the subcommittee on this.

A discussion about the Living at Home Waiver and ID Waiver was held. Ms. Ash noted that the two waivers are different. The Living at Home Waiver does not use residential services. It caps out at 26 slots. Mr. Townsend stated if more individuals on the waiting list are offered services, things will be a lot better.

The Commissioner pointed out she would like for ID to revisit the IRBI and Rate Setting issues too. She further added she would like to review the documents and recommendations regarding the Criticality Scale as well.

Dr. Dill inquired about the cuts for residential programs. He wanted to know if rates for each individual are being cut. Ms. Rosalis replied yes, there will be a 9% cut for individuals. Dr. Dill wanted a more in depth explanation regarding how this will occur. The Commissioner pointed out that the Financial System is obsolete. State Finance uses the MS-DOS Financial System and it is very old. After October 2011, DMH will reload contracts.

An inquiry was made regarding why pay a provider FY2012 rates for FY2011. A long discussion was held. Mr. Couch explained it had something to do with the state financial system and FMAP.

Dr. Dill stated in terms of cuts, how the State cuts the rates for some individuals and not others. Mr. Couch responded the rate cut will be a cut across the board.

The Commissioner stated that she will have Mr. Kreauter respond to the 9% rate cut concern via email to the subcommittee. As far as the legality question regarding this, she will talk to Mr. Tarver. Contracts will be going out this month.

Partlow Update (A. White-Spunner)

The census for Partlow is 104. By the end of the day, it will be 102.

The Commissioner gave a big shout to Mr. Williams, Ms. Ash, People First of Alabama, and the providers involved with placing individuals in the community.

Other Business

Mr. Ridgeway stated the Legislature is still out. If people can get a message to them, please let them know we need money.

Meeting Adjourned

The next meeting will be held September 6, 2011 (10:00), at AIDT Center. The ID System Change meeting will be held September 6, 2011, at 1:00 p.m. in the same location.